DOCUMENT RESUME

ED 276 382 HE 019 902

AUTHOR Handelsman, Mitchell M.
TITLE Are Students Entitled to Informed Consent?
PUB DATE Aug 86
NOTE 11p.; Paper presented at the Annual Convention of the American Psychological Association (Washington, DC, August 1986).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Assignments; College Instruction; *College Students; Course Content; *Course Descriptions; Course Objectives; Decision Making; *Ethics; Grading; Higher Education; *Information Needs; *Personal Autonomy; Teaching Methods
IDENTIFIERS *Informed Consent

ABSTRACT

Ethical bases of the informed consent doctrine are explored relative to how much information students need before they take a course. Such information includes content, grading policies, assignments, course goals, teaching philosophy, and techniques. The major justification of informed consent is autonomy; individuals need adequate information to make decisions. One way to respect students' autonomy would be to offer students a choice of papers versus exams, or reading versus lecture. This allows them to learn in ways that are optimal for them and recognizes their individuality. When students' autonomy cannot be respected by offering them choices, it can be respected by adequately informing them of the nature of the course. It could be argued that college may be a "standard procedure"; students give implied consent by registering. However, teaching styles may differ significantly, necessitating more information. Some techniques may involve risk of harm so that the principle of beneficence would be operative (i.e., informed consent serves to avoid doing harm). Providing information may benefit society by increasing respect for the profession, and by facilitating professors' self-scrutiny. The discussion makes reference to the 1981 Ethical Principles of the American Psychological Association. (Author/SW)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

Presented at 94th Annual Convention of the American Psychological Association at Washington, D.C., August 1986

Are Students Entitled to Informed Consent?

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Mitchell M. Handelsman

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Mitchell M. Handelsman

University of Colorado at Denver
Department of Psychology
Campus Box 173
Denver, Colorado 80202
(303) 556-2672

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

ED276382

Abstract: Ethical bases of the informed consent doctrine are explored relative to how much information students need before they take a course. Such information includes content, grading policies, assignments, course goals, teaching philosophy, and techniques. The major justification of informed consent is autonomy; individuals need adequate information to make decisions. College may be a "standard procedure"; students give implied consent by registering. However, teaching styles may differ significantly, necessitating more information. Some techniques may involve risk of harm; the principle of beneficence would be operative here. Providing information may benefit society by increasing respect for the profession, and by facilitating professors' self-scrutiny.

The Ethical Principles of the American Psychological Association (APA) state that "psychologists fully inform consumers as to the purpose and nature of an ... educational ... procedure" (1981, p. 636). But how do we decide what information, and how much, to put in course description catalogs and syllabi so that students can be informed consumers? While we could adopt the philosophy of "caveat emptor" and provide information determined largely by tradition and convenience, the model of informed consent, borrowed from medicine (Annas, 1983), may be more applicable in this case. As psychologists, our students are more similar to clients and research subjects than to used car buyers. Informed consent has received increasing attention in psychology, particularly in the areas of therapy (Handelsman, Kemper, Craig, McLain, & Johnsrud, in press; Hare-Mustin, Maracek, Kaplan, & Liss-Levenson, 1979) and research (Baumrind, 1985). However, this concern has not been discussed

---

Thanks to Janet Rosen, Anthony Arguello, Jeannie DiClementi, and Margie Krest for comments on earlier drafts of this manuscript.

HE 019 902

basis of informed consent in relation to the information given to students relative to teaching. The purpose of this article is to explore the ethical about the courses they take.

The APA (1981) Principles are helpful only in a general way. They state, "As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences" (p. 635). This statement lists three broad areas of information students may need to make an informed choice about the course. The subject matter of the course is covered on syllabi in a list of reading assignments, and in general descriptions of the course. The second area--grading--is also a common inclusion on syllabi, which will list due dates, the nature of the assignments (papers, exams, etc), and how much each is worth. The third area listed is the nature of course experiences. This may include information about course goals and objectives, teaching techniques, and teaching philosophy. Some of this information may influence a student's choice to take a particular course, much like information about alternative treatments may influence a patient's decision about surgery. For example, students may be more likely to take a class in which they have the opportunity to participate in small groups.

Few would disagree that information about grading and assignments should be provided on syllabi. But is it necessary for professors to supply information about course goals, about how they teach, and about how they think about teaching? Indeed, might it be good (even if not absolutely ethically necessary) to provide information about the nature of course experiences <u>before</u> the start of the term, such as in course description books? In order to answer these questions, it is necessary to explore the ethical rationale behind the

doctrine of informed consent.

Ethical Justification of Informed Consent

Although the major ethical principle underlying informed consent is autonomy, it has also been justified by the principles of nonmaleficence and beneficence; that is, informed consent serves to avoid doing harm. A third principle invoked to justify consent is utility; obtaining informed consent increases social good by encouraging self-scrutiny by professionals, and by facilitating trust between professionals and the people they serve (Beauchamp & Childress, 1983). Let us consider each of these in turn.

Autonomy

"Psychologists respect the dignity and worth of the individual" (APA, 1981, p. 633). Implied in the notion of dignity is that individuals are capable and free to make choices for themselves. The ethical principle of autonomy also suggests that we have an obligation to avoid constraining the right and ability of others to make choices (Beauchamp & Childress, 1983; Kitchener, 1984). Because autonomous choices about college courses hinge on adequate knowledge, information must be provided to students. The same reasoning is behind requiring lists of ingredients on food labels. While consumers cannot determine what goes into packaged foods, they can choose which foods to buy on the basis of those ingredients. In medicine, "the communication between a health professional and a patient should prevent ignorance from constraining autonomous choice" (Beauchamp & Childress, 1983, p. 67).

One way to respect students' autonomy would be to offer them several different methods of learning and evaluation (Brown & Krager, 1985). Offering students a choice of papers vs. exams, or reading vs. lecture, would recognize the individuality of students, and allow them to learn in ways which are

optimal for them. Often, however, such flexibility is unrealistic. Learning and evaluation techniques are sometimes dictated by the material and skills to be learned. For example, multiple choice tests do not work when teaching writing. It could also be that students may need more structure at a particular time in their academic careers (Brown & Krager, 1985). When students' autonomy cannot be respected by offering them choices, it can be respected by adequately informing them of the nature of the course.

It could be argued that teaching is a standard procedure, similar to a medical checkup, for which no informed consent is necessary. People who come for such a checkup are giving "implied consent" just by coming into the doctor's office. Students could be seen as giving implied consent by signing up for a course, since we all know what is involved in a college course: a body of information to be learned, and a process by which learning is evaluated. This implied consent argument may work for some courses. For example, some statistics courses may be quite straightforward, comprising learning and applying formulae. Large introductory courses are often composed simply of lectures and multiple choice tests. However, the enterprise of college is sufficiently varied that students may not be able to assume a consistency of methods, philosophies, and goals. Many courses, for example, require the learning of skills in addition to information, and this may involve teaching styles and techniques that differ sharply from pure lecture (e.g., Handelsman, 1985). Therefore, a conservative ethical stance would suggest erring in the direction of providing too much information.

Beneficence and Nonmaleficence

In professional ethics, beneficence refers to the obligation to provide good and to remove harm (Beauchamp & Childress, 1983). Students may benefit from information by being better able to plan. Knowing about grading and

assignments can enhance their ability to organize their time. In addition, information about course goals and techniques can enable students to choose those courses that best suit their own individual goals. It could be argued, of course, that some students are not ready to make such decisions. This argument, however, is not sufficient justification for not providing information. Advisors and program directors certainly help students make decisions on the basis of ample information about courses.

Providing information for students may also be beneficent because it models respect for persons. Students learn that people with whom they will have relationships in the future--e.g., clients, research subjects, students--are autonomous individuals. They also learn that it is their responsibility to make choices about the suitability of a particular course.

In addition to providing benefits and protecting the welfare of the people they serve, it is incumbent upon psychologists to be nonmaleficent, i.e., to avoid doing harm (APA, 1981, Preamble and Principle 6). In most courses, the potential harm is minimal or nonexistent. However, the use of techniques or facilitation of goals that are not typical may involve some risk of harm. Courses in such topics as personal adjustment, group process, and counseling may involve a significant degree of personal disclosure by students (e.g., Krantz & Huston, 1985). Other courses strive to develop students' emotional, as well as intellectual, skills (e.g., Brown, 1971; Handelsman & Friedlander, 1984). For example, the study of assertiveness in a personal adjustment course may be geared to increasing students' assertiveness, in addition to increasing their understanding of the concepts involved. Introductory or learning courses may include applied units that require students to generate their own anxiety hierarchies or behavioral change programs.

It is clearly unethical to do therapy in class; that would constitute a

dual relationship (APA, 1981, Principle 6). However, students may find even the ethical use of such techniques as self-disclosure unacceptable or harmful. The potential harm, slight as it may be, could be avoided by informing students of goals and procedures before entering the course.

The nature of some graduate programs or undergraduate majors may demand certain activities that students might find objectionable, such as openness to personal conflict or engaging in deceptive research. It could be argued that students entering a psychology program or major have waived their rights of informed consent for individual courses (although they still have the option of dropping out of a program). However, the principle of nonmaleficence leads to the recommendation that information about the entire program, including specific courses, be given to students before choices are made. The relationship between student and teacher can be seen as a fiduciary one (Holder, 1982), in which "the overriding duty of the fiduciary is loyalty and trustworthiness by contrast to the principle of 'caveat emptor' which may apply to some sales relationships" (Baumrind, 1985, p. 167). Since students in required courses are bound to trust the judgment of the program or professor about the value of the course, the fiduciary responsibility is greater than in situations where the student has more options.

Utility

Another justification for providing information even when consent isn't possible is the principle of utility, which concerns the balance of risks and benefits in regard to a wider range of people than only the students involved. Informing students may facilitate, or prevent the erosion of, the respect people have in the profession as a whole. Professors are sometimes perceived as more interested in their research than their students, and as arbitrary or unfair. Providing information about teaching philosophy and styles--in addi-

tion, of course, to ethical practices regarding competence (preparation) and dual relationships--may more directly demonstrate the concern of professors, and the seriousness with which we approach our task.

Informed consent facilitates self-scrutiny by professionals (Beauchamp & Childress, 1983). Hudak and Anderson (1984) postulated that teachers emphasizing thinking skills and integration of material may not know, or may not communicate, the goals they're seeking; "hence students are more uncertain about expectations and evaluation" (p. 177). This uncertainty can erode confidence. Preparing to inform students about teaching methods and philosophies may make teachers more introspective about their goals for the course, and provide the opportunity periodically to explore the relationship between philosophies and teaching methods. For example, consider the stereotypic education instructor lecturing his or her class about the evils of lecturing, or the instructor who tests his students for how well they can think abstractly, but has taught them only information (cf., Handelsman, 1985). The process of sharing a teaching philosophy with students can highlight such inconsistencies, and facilitate their reduction.

Issues

One objection that could be raised to providing information about course goals and techniques is that it is impossible to provide <u>all</u> relevant information. After all, it takes months to prepare a course, and years to develop a teaching philosophy. How can all that be presented in a short syllabus? The situation may be similar to that in medicine, where patients cannot be expected to know the intricacies of anatomy and physiology before they make a decision about surgery. While it is true that decisions about what information to provide are difficult ones, and can never lead to perfectly informed consent (Ingelfinger, 1972), the answer is not to give up the attempt but to

think carefully about providing information that will be adequate without being misleading.

In assessing an appropriate level of information to be provided at or before the beginning of a course, we may want to adopt a "reasonable person" guideline, similar to that in medicine (Canterbury v. Spence, 1972). Where a student has a choice among several courses that would fit equally well into her or his general educational plan, what information about the course could conceivably sway the decision? The cynical answer is that the key is course difficulty and the percentage of "A's" given by the professor. However, respect for the dignity, worth, and autonomy of students makes it necessary to assume their ability to make reasonable judgments--with the help of advisors when necessary--based on information which is not limited to the likelihood of high grades. Former students may be quite helpful as consultants in developing a syllabus; they may have insights about the course that we do not.

How information is presented can influence how it is used (Andrews, 1984; Handelsman, et al., in press). For example, the phrase, "It is possible that you will fail this course" may be perceived differently than a listing of what percentage of students received what grades in the past several years. Some information regarding teaching philosophy may be more effectively communicated orally rather than on the syllabus, with time allotted for students' questions. In this way, faculty can assure that students have understood, which is a critical factor in the informed consent process (Beauchamp & Childress, 1984; Vaccarino, 1978).

Providing detailed information at the beginning of a course may lead to a loss of flexibility. It is often desirable to alter assignments, dates, etc., in an attempt to make the learning experience more effective. While an informed consent procedure should reduce the amount of unnecessary and capri-

cious changes during a term, it should not constrain the freedom of faculty to provide the best possible learning environment for their students. The possibility of changes, of course, could be part of the information provided to students, but the decision about how much freedom is necessary is a difficult one, involving both technical and ethical judgments.

Issues of accountability and flexibility bring us to one final dilemma. In medicine and psychology, much of the literature on the ethical issue of informed consent has been motivated by, and confused with, legal issues; many discussions of informed consent are concerned with avoiding malpractice suits, and have lost sight of the importance of respect for persons and autonomy. This same scenario could occur in teaching: students will sue professors who change published assignments, and professors will obtain legal counsel when developing syllabi. We believe it is possible to avoid such a scenario, and to preserve the mutual respect between professor and student (Brown & Krager, 1985). We can do this by exploring these issues now, before they become confused with legal issues. Discussions of our teaching practices should be motivated by concern and ethical responsibility, before they need to be motivated by fear.

References

American Psychological Association. (1981). Ethical principles of psychologists. American Psychologist, 36, 633-638.

Andrews, L. B. (1984). Informed consent statutes and the decisionmaking process. Journal of Legal Medicine, 5, 163-217.

Annas, G. J. (1983). Informed consent. In N. Abrams & M. D. Bruckner (Eds.), Medical ethics (pp. 254-256). Cambridge, MA: MIT Press.

Baumrind, D. (1985). Research using intentional deception: Ethical issues revisited. American Psychologist, 40, 165-174.

Beauchamp, T. L., & Childress, J. F. (1983). Principles of biomedical ethics (2nd ed.). New York: Oxford University Press.

Brown, G. I. (1971). Human teaching for human learning: An introduction to confluent education. New York: Viking.

Brown, R. D., & Krager, L. A. (1985). Ethical issues in graduate education: Faculty and student responsibilities. Journal of Higher Education, 56, 403-418.

Canterbury v. Spence, 464 F.2nd 772 (1972).

Handelsman, M. M. (1985). Abstract and relational thinking via personal constructs. Teaching of Psychology, 12, 100-101.

Handelsman, M. M., & Friedlander, B. L. (1984). The use of an experiential exercise to teach about assertiveness. Teaching of Psychology, 11, 54-56.

Handelsman, M. M., Kemper, M. B., Craig, P. K., McLain, J., & Johnsrud, C. (in press). Use, content, and readability of written informed consent forms for treatment. Professional Psychology: Research and Practice.

Hare-Mustin, R. T., Maracek, J., Kaplan, A. G., & Liss-Levinson, M. (1979). Rights of clients, responsibilities of therapists. American Psychologist, 34, 3-16.

Holder, A. R. (1982). Do researchers and subjects have a fiduciary relationship? IRB: A Review of Human Subjects Research, 4(1), 6-7.

Hudak, M. A., & Anderson, D. E. (1984). Teaching style and student ratings. Teaching of Psychology, 11, 177-178.

Ingelfinger, F. J. (1972). Informed (but uneducated) consent. New England Journal of Medicine, 287, 465-466.

Kitchener, K. S. (1984). Intuition, critical evaluation and ethical principles: The foundation for ethical decisions in counseling psychology. The Counseling Psychologist, 12(3), 43-55.

Kovacs, A. L. (1984). The increasing malpractice exposure of psychologists. The Independent Practitioner, 4(2), 12-14.

Krantz, P., & Huston, K. (1985, April). The use of psychodrama to facilitate supervisee development in master's level counseling students. Paper presented at the meeting of the Rocky Mountain Psychological Association, Tucson.

Vaccarino, J. M. (1978). Consent, informed consent, and the consent form. New England Journal of Medicine, 298, 455.